

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN BAL,

Plaintiff,

-against-

U.S. DEPARTMENT OF THE TREASURY, et al.,

Defendants.
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No. 21-CV-4702 (OTW)

OPINION & ORDER

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of Plaintiff's letter motion at ECF 91 requesting that briefing on cross-motions for summary judgment be delayed until thirty days after the close of discovery. Plaintiff's letter motion (ECF 91) is **DENIED**.

The only remaining claims in this case are Plaintiff's FOIA claims, and "only to the extent that Plaintiff seeks to challenge OFAC's redactions of the records produced." (ECF 67 at 8). "A district court has broad discretion to manage pre-trial discovery[.]" *Wood v. F.B.I.*, 432 F.3d 78, 84 (2d Cir. 2005). "FOIA actions are typically resolved without discovery." *Voinche v. F.B.I.*, 412 F. Supp. 2d 60, 71 (D.D.C. 2006), *aff'd*, 2007 WL 1234984 (D.C. Cir. 2007). "[D]iscovery relating to the agency's search and the exemptions it claims for withholding records generally is unnecessary if the agency's submissions are adequate on their face,' and a district court may forgo discovery and award summary judgment on the basis of submitted affidavits or declarations." *Wood*, 432 F.3d at 85 (quoting *Carney v. U.S. Dep't of Just.*, 19 F.3d 807, 812 (2d Cir. 1994)). Moreover, "[i]n order to justify discovery . . . the plaintiff must make a showing of bad faith on the part of the agency." *Carney*, 19 F.3d at 812.

The basis for Plaintiff's request for an extension of the summary judgment briefing deadlines is his request to obtain discovery before filing his cross-motion. Plaintiff's discovery request is premature as he will have the opportunity to review the agency's submissions, including affidavits and declarations, before filing his cross-motion for summary judgment and opposition to the Defendants' motion. In addition to his request being premature, Plaintiff has not made any allegation, let alone showing, of bad faith on Defendants' part to justify discovery.

The Clerk is respectfully directed to close ECF 91.

SO ORDERED.

Dated: May 2, 2024
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge